

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE NEW ENGLAND COMPOUNDING
PHARMACY, INC. PRODUCTS
LIABILITY LITIGATION

MDL No. 2419
Dkt. No. 1:13-md-2419 (RWZ)

THIS DOCUMENT RELATES TO:

All Actions

**PLAINTIFFS' STEERING COMMITTEE'S RESPONSE
TO TENNESSEE CLINIC DEFENDANTS'¹ MOTION FOR CLARIFICATION RE:
DEPOSITIONS OF THE FDA AND WITNESSES FROM THE NECC CRIMINAL CASE**

At the beginning of this MDL, the PSC suggested that the Court appoint liaison defense counsel to represent the interests of *all* defendants. Mr. Tardio and Mr. Gideon declined an invitation to take that position. In their view, it wasn't necessary to have a single voice for all defendants. So, Mr. Tardio and his firm only speak for the Tennessee clinic defendants. As far as the PSC is aware, no one else is clamoring to take these depositions.

The Tennessee clinic defendants asked the plaintiffs to extend the trial schedule by three months so that the parties could mediate and, hopefully, resolve all cases. The Court agreed and amended the schedule [ECF No. 3359]. Mediation is scheduled for Monday, June 26, 2017.

The PSC therefore recommends that a decision as to whether these depositions should proceed wait until at least August², so that the parties have an opportunity to fully investigate whether the TN clinic cases can be resolved.

¹ Specialty Surgery Center, PLLC, Kenneth Lister, MD, PC, Kenneth Lister, MD, and Donald Jones, MD.

² An August decision allows for one month to work out any remaining issues following the June 26 mediation. The deadline for completion of individual fact discovery is October 1.

Dated: June 2, 2017

Respectfully submitted,

/s/ Kristen A. Johnson

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Plaintiffs' Steering Committee

CERTIFICATE OF SERVICE

I, Kristen A. Johnson, hereby certify that I caused a copy of the foregoing to be filed electronically via the Court's electronic filing system. Those attorneys who are registered with the Court's electronic filing system may access these filings through the Court's system, and notice of these filings will be sent to these parties by operation of the Court's electronic filing system.

Dated: June 2, 2017

/s/ Kristen A. Johnson
Kristen A. Johnson, BBO # 667261